

**FLOOR SCHEDULE FOR THURSDAY, JANUARY 7, 2016**

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
<b>10:00 a.m.: Morning Hour</b> <b>12:00 p.m.: Legislative Business</b>  <b>Fifteen "One Minutes"</b>	<b>3:30 – 4:30 p.m.</b>	<b>4:30 – 5:30 p.m.</b>

**H.Res. 581 – Rule providing for consideration of H.R. 1927 – Fairness in Class Action Litigation Act of 2015 (Rep. Goodlatte – Judiciary) (One hour of debate).** The Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary. The Rule allows for 10 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rules Committee also rejected a motion by Mr. McGovern of Massachusetts to consider H.R. 1927 under an open Rule. **Members are urged to VOTE NO.**

**H.R. 712 – Sunshine for Regulatory Decrees and Settlements Act of 2015 (Rep. Collins (GA) – Judiciary) (One hour of debate).** This bill would require the federal government to provide advance public notice before discussions regarding consent decrees or settlement agreements. This change would significantly delay the federal rulemaking process which could potentially endanger Americans by delaying rules designed to protect their health and safety.

The bill would impose additional barriers and procedural requirements on consent decrees and settlements. It claims to address "sue and settle" actions in which a settlement is reached between a public interest plaintiff and a "sympathetic" federal agency which then issues rules using the settlement as an excuse. In December, the Government Accountability Office (GAO) found no evidence to support this assumption.

H.R. 712 would delay the implementation of new rules by requiring that the Office of Information and Regulatory Affairs (OIRA) make any agency rule be available online for six months before the rule can take effect. This delay could potentially put the public at risk by delaying rules that could protect public health, welfare, safety, and the environment.

Current law requires Federal agencies to adhere to strict, statutory mandates and requires that agencies promulgate regulations with reasoned determination that the benefits justify the costs, to consider regulatory alternatives, and are ultimately in the best interest of the public. H.R. 712 is yet another Republican solution in search of a problem and another attack on the Federal government. It will use taxpayer dollars to essentially put people at risk by subjecting agencies to cumbersome, complex, arbitrary mandates in an effort to create inaction.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill.

The Rule makes in order 7 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

**Reps. Goodlatte/Chaffetz Manager's Amendment.** Includes technical and conforming changes to clarify deadlines, reformat section nomenclature and headings, and improve typography and grammar.

**Rep. Johnson (GA) Amendment.** Exempts from the bill any rule, consent decree, or settlement agreement that the Office of Management and Budget determines would result in net job creation and whose benefits exceeds its costs.

**Reps. Cummings/Connolly Amendment #3.** Strikes section 653 as created by title II of the bill, which establishes a six-month moratorium on new rules, with limited exceptions, requires new actions by the Office of Information and Regulatory Affairs (OIRA) and duplicative publications related to rulemakings.

**Rep. Lynch Amendment.** Amends the bill to require federal agencies to provide an estimate of the benefits of proposed regulations rather than only the costs. It would also require OIRA to include the total benefits of proposed and final agency rules in the annual cumulative assessment of agency rule making required by the bill. The bill prohibits OIRA from including benefits in such cumulative assessments.

**Reps. Foxx/Messer Amendment.** Requires monthly reporting of unfunded mandates by agencies to OIRA; requires reporting of unfunded mandates imposed in OIRA's annual cumulative assessment of agency rule making.

**Rep. Jackson-Lee Amendment.** Exempts from the bill rules issued in response to emergencies or public health and safety threats in all cases, not solely in circumstances when such threats are "imminent."

**Reps. Cummings/Connolly Amendment #7.** Exempts independent agencies from the requirements of Title II of the bill which would preserve the independence of agencies such as the Consumer Financial Protection Bureau (CFPB) and the Consumer Product Safety Commission (CPSC).

**Bill Text for H.R. 712:**

[PDF Version](#)

**Background for H.R. 712:**

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

**Complete Consideration of [H.R. 1155](#) – SCRUB Act of 2015 (Rep. Smith (MO) – Judiciary/Oversight and Government Reform).** This bill would establish an un-elected, nine-member commission to review existing federal rules and regulations and identify those they determine should be repealed on the faulty premises that regulations have an adverse impact on economic growth, job creation, and innovation. In fact, H.R. 1155 would make it easier to roll back existing regulations and make it harder for every department and agency in the federal government to issue new ones. The unelected commission would have the power to issue subpoenas "requiring the attendance and testimony of witnesses and the production of any evidence relating to the duties of the commission." This broad, unspecified authority will give an unelected panel more power than Inspectors General, while having no oversight or accountability, all at the expense of taxpayers.

In addition, Members of Congress would be unable to debate and vote on each rule recommended for immediate repeal by the committee, and instead would be forced to vote on rule repeals as a package. Any recommended repeal that is approved by Congress would result in the specified agency having to rescind the covered rules within sixty days. H.R. 1155 would essentially take the power away from elected representatives and Members of Congress, and give the power to an unelected appointed panel.

Further, H.R. 1155 would create a "regulatory cut-go" procedure not dependent on congressional approval that would require any agency issuing a new regulation to repeal an existing regulation of greater or equal value within its jurisdiction that the commission has determined should be abolished. Under "regulatory cut-go," all regulations recommended by the Commission for repeal would be placed into an inventory of regulations which the agencies would be required to repeal over time through a "cut-go" process as agencies promulgate new regulations. The costs of each new agency regulation must be offset by cost-reductions associated with the repeal of regulations in the inventory of regulations, until each agency completes the repeals of its own regulations specified in the inventory. Simply put, no federal agency could issue a new rule, however justified or in the public's immediate interest, unless it cut an existing one that imposes equal "costs" on the economy.

This bill would give enormous power to an appointed committee with virtually no oversight or regulations, while tying the hands of agencies that are knowledgeable and have extensive experience in particular areas. It would put the American people at risk, while wasting their tax dollars.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill.

The Rule, which was adopted yesterday, provides for no further general or amendment debate. The following amendments have recorded votes pending:

**Rep. Johnson (GA) Amendment**

**Reps. Cummings/Connolly Amendment #6**

**Rep. Cicilline Amendment #7**

**Rep. DelBene Amendment**

**Reps. Cicilline/Jackson-Lee Amendment #9**

**Rep. Pocan Amendment**

**Bill Text for H.R. 1155:**

[PDF Version](#)



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**Background for H.R. 1155 :**

[House Report \(HTML Version\)](#)

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## **TOMORROW'S OUTLOOK**

The GOP Leadership has announced the following schedule for Friday, January 8: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider H.R. 1927 – Fairness in Class Action Litigation Act of 2015 (Rep. Goodlatte – Judiciary).

### **The Daily Quote**

“Rep. Raul Labrador [R-ID] — a leader in the House Freedom Caucus — said on Wednesday that [House Speaker Paul] Ryan, a Wisconsin Republican, has not yet transformed the House in the ways he promised during last fall's speaker elections... He added, ‘The question is will Ryan be a good speech-maker or a good policy-maker... The question is not just can you deliver on the speech but can you deliver on the substance.’”

- Politico, 1/6/2016